
Appeal Decision

Site visit made on 6 September 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th September 2016

Appeal Ref: APP/P2935/W/16/3152035

1 Island View, Amble, Morpeth, Northumberland NE65 0SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Sarah Dunne against Northumberland County Council.
 - The application Ref 16/00593/VARYCO is undated.
 - The application sought planning permission for demolition of a detached double garage and construction of a detached dwelling to be used as holiday let without complying with conditions attached to planning permission Ref 15/03393/FUL, dated 16 December 2015.
 - The conditions in dispute are Nos 3 and 4 which state that:
 - (3) This permission relates to the provision of holiday accommodation. For the purposes of this condition, holiday accommodation is accommodation which shall not be occupied by the same person or group of persons for a period in excess of six weeks during one calendar year. The accommodation hereby permitted shall not authorise the use of the proposed development for human habitation during the period of 2 consecutive weeks from 6th January each year, or such other consecutive time period of 2 weeks as may be agreed in writing by the Local Planning Authority. In order to facilitate the policing / enforcement of the foregoing, a register of occupiers of the premises to which this planning permission relates shall be made available to the officers of the Local Planning Authority upon request, following 24 hours notice.
 - (4) The development shall not be brought into use until details of the car parking have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details.
 - The reasons given for the conditions are:
 - (3) To encourage tourism by ensuring that the property is used for holiday accommodation only and to prevent their use as second homes or full-time permanent residential use, in a location where such development would be inappropriate.
 - (4) In the interest of highway safety.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of a detached double garage and construction of a detached dwelling at 1 Island View, Amble, Morpeth, Northumberland NE65 0SE in accordance with application Ref 16/00593/VARYCO without compliance with condition numbers 3 and 4 previously imposed on planning permission Ref 15/03393/FUL, dated 16 December 2015 and subject to the conditions in the schedule below.
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Procedural Matter

2. In allowing the appeal I have not found it necessary to impose a condition restricting the use of the proposed development as a holiday let. Accordingly I have altered the description of development as referred to in the decision to exclude the wording "...to be used as holiday let".

Main Issues

3. The main issues are whether i) the appeal premises are suitable for use as permanent residential accommodation and ii) it is necessary to control the details of car parking serving the development.

Reasons

Permanent accommodation

4. Island View comprises a short group of terraced dwellings close to the sea front, with some garages and hardstanding opposite that provide for car parking.
5. From my visit I noted that the site is within a short walking distance of more built up parts of the town and in granting the original planning permission the Council have found this to be a suitable location for residential development in principle. However referring to the reason for condition 3, the Council seeks to resist permanent accommodation in what it regards as an inappropriate location and which might become used as a second home. Instead it seeks to encourage tourism.
6. I understand the principle of supporting tourism in the locality. The opportunities this may bring for investment in the local economy is a positive objective and in keeping with policy in the National Planning Policy Framework (the Framework).
7. However use of the appeal dwelling for permanent occupation would inevitably also result in investment that would benefit the local economy. Moreover I have not been presented with any evidence from the Council, including the development plan policies it has cited as being relevant to this appeal that would support a conclusion that this is an inappropriate location in principle for permanent residential use.
8. The principle of residential development, albeit for holiday accommodation, was found by the Council to be in keeping with its settlement hierarchy and sustainability criteria as set out in Policies S1, S2 and S3 of the Alnwick District Core Strategy 2007 (CS). I have not been provided with any information to indicate that the development would not be accessible to various services, facilities and sustainable means of travel or that there is inadequate capacity in the physical and community infrastructure to support the small unit of accommodation proposed. In addition it is not otherwise evident within the wording of the aforementioned policies or any other information put before me that preference should be given to holiday accommodation at the expense of permanent accommodation in this case.
9. The Council has not referred to any specific information as to why it seeks to resist the use of the site as a second home. I understand the issues that second home ownership can bring in terms of driving up property prices

causing local affordability problems. However, if the unrestricted appeal property were to be purchased as a second home it may still ultimately be let for holiday purposes therefore benefitting the economy. Clearly there would be a financial incentive for an owner to adopt this arrangement which in any event the appellant has declared to be her intention. Equally if a second home was not let in this way, the wording of condition 3 would not prevent the ownership of the property as a second home, simply the extent of its use by the owner.

10. Furthermore the appellant has made the point that there are other properties on Island View that are not subject to holiday let restrictions. This has not been disputed by the Council.
11. I have considered the argument that the removal of the restricted use condition would set a precedent for other similar developments. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case.
12. Taking the above factors into account I conclude that the use of the appeal site for permanent residential accommodation would be consistent with Policies S1, S2 and S3 of the CS and would therefore be acceptable. I conclude that Condition 3 is therefore neither necessary nor reasonable and should be deleted.

Car Parking

13. The site adjoins the single lane access road and hardstanding area used by vehicles associated with the Island View properties. From information provided by the appellant and my visit, the road and hardstanding area is in private ownership with various parking and access rights having been granted. A number of third parties have raised concerns about the effect of the development on parking availability and level of demand.
14. Whilst the legal position regarding private parking and access rights are not a matter for my deliberations in this appeal, I must however take into consideration the physical practicalities of gaining access to and parking within the site. I note that the appellant is not opposed in principle to providing additional car parking space to serve the new dwelling.
15. Though I am satisfied that the appeal site would be large enough to accommodate sufficient parking space in principle, further details of arrangements are required to demonstrate how vehicles associated with the use of the site would park and manoeuvre. This is particularly important considering the narrowness of the access road and the confines of the immediately adjacent parking area. In this context it is not sufficient to state that the legal provision for parking adjacent to the site will be reviewed if necessary.
16. I therefore conclude that a condition is required to secure details of parking and turning arrangements in relation to the development. The present wording of condition 4 states that details of car parking need to be submitted and approved. This wording is not sufficiently precise and could be taken to mean wider parking arrangements on other land in the ownership of the appellant when it should focus on the impact of the development itself. Accordingly condition 4 fails to meet the relevant test for imposing conditions as set out in

paragraph 206 of the Framework. I have therefore imposed an amended condition which requires details to be submitted and approved of parking and turning arrangements for the dwelling.

Other Matters

17. Concern has been expressed with regard to how the Council's procedures have been used to progress the proposed development. This however is not a matter for my deliberations, a valid appeal having been lodged by the appellant, but would be for third parties to query with the Council.

Conditions

18. In allowing the appeal and granting planning permission I have considered those conditions imposed on the original planning permission. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all of those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
19. Conditions specifying the plans, requiring landscaping measures and requiring construction to be undertaken in accordance with recommendations to protect local ecology are needed to safeguard the character and appearance of the area and the biodiversity value of the site. A condition requiring the provision and retention of parking and turning space is required in the interests of highway safety.

Conclusion

20. For the above reasons and having considered all other points raised, the appeal should be allowed.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development to which the permission relates shall be carried out in accordance with the following approved plans and specifications:

Drawing No. A3.01: House Plans

Drawing No. A1.02 : Proposed Site Views

- 3) The development shall not be brought into use until details of the car parking and turning arrangements to serve the dwelling have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details.
- 4) The development shall be undertaken in accordance with the mitigation recommendations of the report, "Preliminary Ecological Appraisal, 1 Island View, Amble", dated November 2015 by E3 Ecology including:
 - Vegetation clearance/garage demolition will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably qualified ornithologist confirms the absence of active nests.
 - Construction works will be undertaken during the months (April-September) unless it can be confirmed in writing with the Local Planning Authority that piling operations will not be required.
 - Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45 degrees.
 - The works permitted will be carried out to a reptile method statement provided in Appendix 2 of the above report.
 - Lighting on site will be low level and low lux as far as possible. Where high intensity security lighting is required, this will be on a short timer and motion sensitive to larger objects only and will face inland to prevent light spill onto the adjacent coast.
- 5) Prior to the dwelling being occupied a plan for the landscape planting of the site, shall be submitted for the written approval of the Local Planning Authority. The plan shall detail the native grass seed mixture and plug plants to plant into the recontoured bank to the south and west of the dwelling. The plan shall also detail any tree or shrub planting to be undertaken. Trees and shrubs used shall be locally native species. Once approved the plan shall be implemented in full during the first planting season (November - March inclusive for trees and May to August for grassland plants) following the commencement of development. All trees and grassland established shall be maintained thereafter for a period not less than 5 years.